

**256 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-5578-2023
Date of order: 12.10.2023**

Vinay

.....Petitioner

Versus

State of Haryana and anr.

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Kumar, Advocate for the petitioner.
Ms. Deepshikha Chauhan, AAG, Haryana.
Mr. Aazam Khan, Advocate for respondent No.2.

Nidhi Gupta, J. (Oral)

Learned counsel for respondent No.2 has filed his Vakalatnama in Court. The same is taken on record.

Prayer in the present petition is for quashing of FIR No.0066 dated 24.09.2019 (Annexure P-1) under Sections 323, 34, 377, 406, 498-A and 506 IPC [later on at the time of presentation of challan under Sections 323, 406, 498-A, 506 IPC (Sections 34 and 377 IPC were deleted)] registered at Police Station Women Police Station, District Sonipat and all other consequential proceedings arising therefrom on the basis of compromise dated 17.01.2023 (Annexure P-3) arrived at between the parties.

Vide order dated 08.05.2023, co-ordinate Bench of this Court had directed the parties to appear before the Illaqa/Duty Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 08.05.2023 with regard to the compromise dated 17.01.2023 (Annexure P-3).

In terms of the order dated 08.05.2023 passed by this Court, parties have appeared before the Court of learned Judicial Magistrate

First Class, Sonipat and as per her report dated 02.08.2023, duly forwarded by the learned District & Sessions Judge, Sonipat to this Court on 04.08.2023, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will. FIR was registered against a total of 07 persons, however, challan was filed only against the present petitioner.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel states that she has no objection in case the FIR is quashed on the basis of compromise dated 17.01.2023 (Annexure P-3) qua the petitioner.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate First Class, Sonipat, this Court finds that the matter has been amicably settled between the petitioner and respondent No.2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of **“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed hereinabove, the present petition is **allowed** and FIR No.0066 dated 24.09.2019 (Annexure P-1) under Sections 323, 34, 377, 406, 498-A and 506 IPC [later on at the time of presentation of challan under Sections 323, 406, 498-A, 506 IPC (Sections 34 and 377 IPC were deleted)] registered at Police Station Women Police Station, District Sonipat along with all other consequential proceedings arising therefrom on the basis of compromise dated 17.01.2023 (Annexure P-3) are ordered to be quashed qua the petitioner.

(Nidhi Gupta)
Judge

12.10.2023
'Amit'

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>